

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 01-455-A
)	Hon. Leonie M. Brinkema
ZACARIAS MOUSSAOUI)	

GOVERNMENT’S RESPONSE TO DEFENDANT’S
MOTION FOR INFORMATION ON A SPECIFIED EMAIL ADDRESS

The defendant has moved to compel the Government “to hand over the internet file on the address ‘xdesertman@hotmail.com.’” (docket number 418) This request is moot because the government has no such file, and, as is demonstrated by the attached certification, Hotmail.com has no such records.

As a preliminary matter, the defendant has the ability to subpoena records from witnesses or business entities, such as MSN Hotmail, for trial.

During the course of its investigation, the Government sought records for the email address “xdesertman@hotmail.com.” No such records were discovered or obtained by the Government, and we now have no such records.

On receiving the defendant’s motion, we contacted MSN Hotmail and requested that they certify that they too had no such records. Accordingly, the “Certification of Absence of Business

Records” signed by Catherine Taelor, Custodian of Records, MSN Hotmail, is attached as Attachment A.

Respectfully Submitted,

Paul J. McNulty
United States Attorney

By: _____
Robert A. Spencer
Kenneth M. Karas
David J. Novak
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I certify that on August 16, 2002, a copy of the foregoing Government's Response was sent by hand delivery, via the United States Marshal's Service to:

Zacarias Moussaoui
Alexandria Detention Center
2001 Mill Road
Alexandria, Virginia 22314

I further certify that on the same day a copy of the same attached pleading was sent by facsimile and regular mail to:

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